
SUBSTITUTE SENATE BILL 6233

State of Washington 57th Legislature

2002 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Rasmussen, Long, Shin, Kastama, Franklin, Winsley, Spanel, Swecker, Regala and McAuliffe)

READ FIRST TIME 01/22/02.

1 AN ACT Relating to possession of ephedrine, pseudoephedrine, and
2 ammonia; amending RCW 69.50.440, 9.94A.605, and 26.44.200; reenacting
3 and amending RCW 9.94A.515; prescribing penalties; and declaring an
4 emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 69.50.440 and 2000 c 225 s 4 are each amended to read
7 as follows:

8 It is unlawful for any person to possess ephedrine or any of its
9 salts or isomers or salts of isomers, pseudoephedrine or any of its
10 salts or isomers or salts of isomers, or ((~~anhydrous~~)) pressurized
11 ammonia gas with intent to manufacture methamphetamine. Any person who
12 violates this section is guilty of a crime and may be imprisoned for
13 not more than ten years, fined not more than twenty-five thousand
14 dollars, or both. Three thousand dollars of the fine may not be
15 suspended. As collected, the first three thousand dollars of the fine
16 must be deposited with the law enforcement agency having responsibility
17 for cleanup of laboratories, sites, or substances used in the
18 manufacture of the methamphetamine. The fine moneys deposited with
19 that law enforcement agency must be used for such clean-up cost.

1 from Schedule IV to someone under 18
2 (RCW 69.50.406)
3 Sexually Violent Predator Escape (RCW
4 9A.76.115)

5 IX Assault of a Child 2 (RCW 9A.36.130)
6 Controlled Substance Homicide (RCW
7 69.50.415)
8 Explosive devices prohibited (RCW
9 70.74.180)

10 Hit and Run--Death (RCW 46.52.020(4)(a))
11 Homicide by Watercraft, by being under the
12 influence of intoxicating liquor or
13 any drug (RCW 79A.60.050)

14 Inciting Criminal Profiteering (RCW
15 9A.82.060(1)(b))

16 Malicious placement of an explosive 2 (RCW
17 70.74.270(2))

18 Over 18 and deliver narcotic from Schedule
19 III, IV, or V or a nonnarcotic, except
20 flunitrazepam or methamphetamine, from
21 Schedule I-V to someone under 18 and 3
22 years junior (RCW 69.50.406)

23 Robbery 1 (RCW 9A.56.200)

24 Sexual Exploitation (RCW 9.68A.040)

25 Vehicular Homicide, by being under the
26 influence of intoxicating liquor or
27 any drug (RCW 46.61.520)

28 VIII Arson 1 (RCW 9A.48.020)
29 Deliver or possess with intent to deliver
30 m e t h a m p h e t a m i n e (R C W
31 69.50.401(a)(1)(ii))

32 Homicide by Watercraft, by the operation of
33 any vessel in a reckless manner (RCW
34 79A.60.050)

35 Manslaughter 2 (RCW 9A.32.070)

36 Manufacture, deliver, or possess with
37 intent to deliver amphetamine (RCW
38 69.50.401(a)(1)(ii))

1 Manufacture, deliver, or possess with
2 intent to deliver heroin or cocaine
3 (RCW 69.50.401(a)(1)(i))
4 Possession of Ephedrine or any of its Salts
5 or Isomers or Salts of Isomers,
6 Pseudoephedrine or any of its Salts or
7 Isomers or Salts of Isomers, or
8 (~~Anhydrous~~) Pressurized Ammonia Gas
9 with intent to manufacture
10 methamphetamine (RCW 69.50.440)
11 Promoting Prostitution 1 (RCW 9A.88.070)
12 Selling for profit (controlled or
13 counterfeit) any controlled substance
14 (RCW 69.50.410)
15 Theft of Anhydrous Ammonia (RCW 69.55.010)
16 Vehicular Homicide, by the operation of any
17 vehicle in a reckless manner (RCW
18 46.61.520)
19 VII Burglary 1 (RCW 9A.52.020)
20 Child Molestation 2 (RCW 9A.44.086)
21 Dealing in depictions of minor engaged in
22 sexually explicit conduct (RCW
23 9.68A.050)
24 Drive-by Shooting (RCW 9A.36.045)
25 Homicide by Watercraft, by disregard for
26 the safety of others (RCW 79A.60.050)
27 Indecent Liberties (without forcible
28 compulsion) (RCW 9A.44.100(1) (b) and
29 (c))
30 Introducing Contraband 1 (RCW 9A.76.140)
31 Involving a minor in drug dealing (RCW
32 69.50.401(f))
33 Malicious placement of an explosive 3 (RCW
34 70.74.270(3))
35 Sending, bringing into state depictions of
36 minor engaged in sexually explicit
37 conduct (RCW 9.68A.060)
38 Unlawful Possession of a Firearm in the
39 first degree (RCW 9.41.040(1)(a))

1 Use of a Machine Gun in Commission of a
2 Felony (RCW 9.41.225)
3 Vehicular Homicide, by disregard for the
4 safety of others (RCW 46.61.520)

5 VI Bail Jumping with Murder 1 (RCW
6 9A.76.170(3)(a))
7 Bribery (RCW 9A.68.010)
8 Incest 1 (RCW 9A.64.020(1))
9 Intimidating a Judge (RCW 9A.72.160)
10 Intimidating a Juror/Witness (RCW
11 9A.72.110, 9A.72.130)
12 Malicious placement of an imitation device
13 2 (RCW 70.74.272(1)(b))
14 Manufacture, deliver, or possess with
15 intent to deliver narcotics from
16 Schedule I or II (except heroin or
17 cocaine) or flunitrazepam from
18 Schedule IV (RCW 69.50.401(a)(1)(i))
19 Rape of a Child 3 (RCW 9A.44.079)
20 Theft of a Firearm (RCW 9A.56.300)
21 Unlawful Storage of Anhydrous Ammonia (RCW
22 69.55.020)

23 V Abandonment of dependent person 1 (RCW
24 9A.42.060)
25 Advancing money or property for
26 extortionate extension of credit (RCW
27 9A.82.030)
28 Bail Jumping with class A Felony (RCW
29 9A.76.170(3)(b))
30 Child Molestation 3 (RCW 9A.44.089)
31 Criminal Mistreatment 1 (RCW 9A.42.020)
32 Custodial Sexual Misconduct 1 (RCW
33 9A.44.160)
34 Delivery of imitation controlled substance
35 by person eighteen or over to person
36 under eighteen (RCW 69.52.030(2))
37 Domestic Violence Court Order Violation
38 (RCW 10.99.040, 10.99.050, 26.09.300,

1 26.10.220, 26.26.138, 26.50.110,
2 26.52.070, or 74.34.145)
3 Extortion 1 (RCW 9A.56.120)
4 Extortionate Extension of Credit (RCW
5 9A.82.020)
6 Extortionate Means to Collect Extensions of
7 Credit (RCW 9A.82.040)
8 Incest 2 (RCW 9A.64.020(2))
9 Kidnapping 2 (RCW 9A.40.030)
10 Perjury 1 (RCW 9A.72.020)
11 Persistent prison misbehavior (RCW
12 9.94.070)
13 Possession of a Stolen Firearm (RCW
14 9A.56.310)
15 Rape 3 (RCW 9A.44.060)
16 Rendering Criminal Assistance 1 (RCW
17 9A.76.070)
18 Sexual Misconduct with a Minor 1 (RCW
19 9A.44.093)
20 Sexually Violating Human Remains (RCW
21 9A.44.105)
22 Stalking (RCW 9A.46.110)

23 IV Arson 2 (RCW 9A.48.030)
24 Assault 2 (RCW 9A.36.021)
25 Assault by Watercraft (RCW 79A.60.060)
26 Bribing a Witness/Bribe Received by Witness
27 (RCW 9A.72.090, 9A.72.100)
28 Commercial Bribery (RCW 9A.68.060)
29 Counterfeiting (RCW 9.16.035(4))
30 Escape 1 (RCW 9A.76.110)
31 Hit and Run--Injury (RCW 46.52.020(4)(b))
32 Hit and Run with Vessel--Injury Accident
33 (RCW 79A.60.200(3))
34 Identity Theft 1 (RCW 9.35.020(2)(a))
35 Indecent Exposure to Person Under Age
36 Fourteen (subsequent sex offense) (RCW
37 9A.88.010)
38 Influencing Outcome of Sporting Event (RCW
39 9A.82.070)

1 Knowingly Trafficking in Stolen Property
2 (RCW 9A.82.050(2))
3 Malicious Harassment (RCW 9A.36.080)
4 Manufacture, deliver, or possess with
5 intent to deliver narcotics from
6 Schedule III, IV, or V or nonnarcotics
7 from Schedule I-V (except marijuana,
8 amphetamine, methamphetamines, or
9 flunitrazepam) (RCW 69.50.401(a)(1)
10 (iii) through (v))
11 Residential Burglary (RCW 9A.52.025)
12 Robbery 2 (RCW 9A.56.210)
13 Theft of Livestock 1 (RCW 9A.56.080)
14 Threats to Bomb (RCW 9.61.160)
15 Use of Proceeds of Criminal Profiteering
16 (RCW 9A.82.080 (1) and (2))
17 Vehicular Assault, by being under the
18 influence of intoxicating liquor or
19 any drug, or by the operation or
20 driving of a vehicle in a reckless
21 manner (RCW 46.61.522)
22 Willful Failure to Return from Furlough
23 (RCW 72.66.060)

24 III Abandonment of dependent person 2 (RCW
25 9A.42.070)
26 Assault 3 (RCW 9A.36.031)
27 Assault of a Child 3 (RCW 9A.36.140)
28 Bail Jumping with class B or C Felony (RCW
29 9A.76.170(3)(c))
30 Burglary 2 (RCW 9A.52.030)
31 Communication with a Minor for Immoral
32 Purposes (RCW 9.68A.090)
33 Criminal Gang Intimidation (RCW 9A.46.120)
34 Criminal Mistreatment 2 (RCW 9A.42.030)
35 Custodial Assault (RCW 9A.36.100)
36 Delivery of a material in lieu of a
37 controlled substance (RCW
38 69.50.401(c))
39 Escape 2 (RCW 9A.76.120)

1 Extortion 2 (RCW 9A.56.130)
2 Harassment (RCW 9A.46.020)
3 Intimidating a Public Servant (RCW
4 9A.76.180)
5 Introducing Contraband 2 (RCW 9A.76.150)
6 Maintaining a Dwelling or Place for
7 Controlled Substances (RCW
8 69.50.402(a)(6))
9 Malicious Injury to Railroad Property (RCW
10 81.60.070)
11 Manufacture, deliver, or possess with
12 intent to deliver marijuana (RCW
13 69.50.401(a)(1)(iii))
14 Manufacture, distribute, or possess with
15 intent to distribute an imitation
16 controlled substance (RCW
17 69.52.030(1))
18 Patronizing a Juvenile Prostitute (RCW
19 9.68A.100)
20 Perjury 2 (RCW 9A.72.030)
21 Possession of Incendiary Device (RCW
22 9.40.120)
23 Possession of Machine Gun or Short-Barreled
24 Shotgun or Rifle (RCW 9.41.190)
25 Promoting Prostitution 2 (RCW 9A.88.080)
26 Recklessly Trafficking in Stolen Property
27 (RCW 9A.82.050(1))
28 Securities Act violation (RCW 21.20.400)
29 Tampering with a Witness (RCW 9A.72.120)
30 Telephone Harassment (subsequent conviction
31 or threat of death) (RCW 9.61.230)
32 Theft of Livestock 2 (RCW 9A.56.080)
33 Unlawful Imprisonment (RCW 9A.40.040)
34 Unlawful possession of firearm in the
35 second degree (RCW 9.41.040(1)(b))
36 Unlawful Use of Building for Drug Purposes
37 (RCW 69.53.010)
38 Vehicular Assault, by the operation or
39 driving of a vehicle with disregard

1 for the safety of others (RCW
2 46.61.522)
3 Willful Failure to Return from Work Release
4 (RCW 72.65.070)

5 II Computer Trespass 1 (RCW 9A.52.110)
6 Counterfeiting (RCW 9.16.035(3))
7 Create, deliver, or possess a counterfeit
8 controlled substance (RCW
9 69.50.401(b))

10 Escape from Community Custody (RCW
11 72.09.310)

12 Health Care False Claims (RCW 48.80.030)

13 Identity Theft 2 (RCW 9.35.020(2)(b))

14 Improperly Obtaining Financial Information
15 (RCW 9.35.010)

16 Malicious Mischief 1 (RCW 9A.48.070)

17 Possession of controlled substance that is
18 either heroin or narcotics from
19 Schedule I or II or flunitrazepam from
20 Schedule IV (RCW 69.50.401(d))

21 Possession of phencyclidine (PCP) (RCW
22 69.50.401(d))

23 Possession of Stolen Property 1 (RCW
24 9A.56.150)

25 Theft 1 (RCW 9A.56.030)

26 Theft of Rental, Leased, or Lease-purchased
27 Property (valued at one thousand five
28 hundred dollars or more) (RCW
29 9A.56.096(4))

30 Trafficking in Insurance Claims (RCW
31 48.30A.015)

32 Unlawful Practice of Law (RCW 2.48.180)

33 Unlicensed Practice of a Profession or
34 Business (RCW 18.130.190(7))

35 I Attempting to Elude a Pursuing Police
36 Vehicle (RCW 46.61.024)

37 False Verification for Welfare (RCW
38 74.08.055)

1 Forged Prescription (RCW 69.41.020)
2 Forged Prescription for a Controlled
3 Substance (RCW 69.50.403)
4 Forgery (RCW 9A.60.020)
5 Malicious Mischief 2 (RCW 9A.48.080)
6 Possess Controlled Substance that is a
7 Narcotic from Schedule III, IV, or V
8 or Non-narcotic from Schedule I-V
9 (except phencyclidine or
10 flunitrazepam) (RCW 69.50.401(d))
11 Possession of Stolen Property 2 (RCW
12 9A.56.160)
13 Reckless Burning 1 (RCW 9A.48.040)
14 Taking Motor Vehicle Without Permission
15 (RCW 9A.56.070)
16 Theft 2 (RCW 9A.56.040)
17 Theft of Rental, Leased, or Lease-purchased
18 Property (valued at two hundred fifty
19 dollars or more but less than one
20 thousand five hundred dollars) (RCW
21 9A.56.096(4))
22 Unlawful Issuance of Checks or Drafts (RCW
23 9A.56.060)
24 Unlawful Use of Food Stamps (RCW 9.91.140
25 (2) and (3))
26 Vehicle Prowl 1 (RCW 9A.52.095)

27 **Sec. 3.** RCW 9.94A.605 and 2000 c 132 s 1 are each amended to read
28 as follows:

29 In a criminal case where:

30 (1) The defendant has been convicted of (a) manufacture of a
31 controlled substance under RCW 69.50.401(a) relating to manufacture of
32 methamphetamine; or (b) possession of ephedrine or any of its salts or
33 isomers or salts of isomers, pseudoephedrine or any of its salts or
34 isomers or salts of isomers, or pressurized ammonia gas with intent to
35 manufacture methamphetamine, as defined in RCW 69.50.440; and

36 (2) There has been a special allegation pleaded and proven beyond
37 a reasonable doubt that the defendant committed the crime when a person

1 under the age of eighteen was present in or upon the premises of
2 manufacture;
3 the court shall make a finding of fact of the special allegation, or if
4 a jury trial is had, the jury shall, if it finds the defendant guilty,
5 also find a special verdict as to the special allegation.

6 **Sec. 4.** RCW 26.44.200 and 2001 c 52 s 3 are each amended to read
7 as follows:

8 A law enforcement agency in the course of investigating: (1) An
9 allegation under RCW 69.50.401(a) relating to manufacture of
10 methamphetamine; or (2) an allegation under RCW 69.50.440 relating to
11 possession of ephedrine or any of its salts or isomers or salts of
12 isomers, pseudoephedrine or any of its salts or isomers or salts of
13 isomers, or pressurized ammonia gas with intent to manufacture
14 methamphetamine, that discovers a child present at the site, shall
15 contact the department immediately.

16 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
17 preservation of the public peace, health, or safety, or support of the
18 state government and its existing public institutions, and takes effect
19 immediately.

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